

Labor and Employment E-news

November 10, 2008

The 2008 Election and the Future of Labor and Employment Law

The outcome of the November 4, 2008 election vastly will impact our country's labor and employment laws. Specifically, beginning on January 20, 2009, the Democrats will hold a stronger majority in both the House of Representatives and the Senate, and will control the White House. A Democrat-controlled government is far more likely to support and pass legislation that benefits employees and unions. In the coming term, the federal government is likely to consider:

- Strengthening employees' ability to organize through the Employee Free Choice Act and the Respect Act
- Passing the Patriot Employers Act which would provide a tax credit to qualifying employers
- Repealing Right-to-Work laws which protect employees' rights not to join a union and pay union dues
- Expanding the Family and Medical Leave Act by protecting more employees and providing for more types of covered leave
- Passing the Healthy Families Act which would require employers to provide employees with 7 paid sick days a year
- Passing the Working Families Flexibility Act which would give employees the right to request flexible working options from the employer
- Passing the Paycheck Fairness Act which would make it easier for employees to bring sex-based unequal pay claims
- Passing the Equal Remedies Act which would remove certain damage caps
- Expanding Title VII to include sexual orientation
- Expanding the WARN Act
- Passing the Arbitration Fairness Act which would restrict an employer's ability to compel arbitration

Without question, the above-listed legislation will, if passed, have a profound impact on how an employer operates its business and how it interacts with its employees. In addition, new

appointments to the National Labor Relations Board will have substantial effects on federal labor law.

[Click here for a detailed analysis](#) of these anticipated changes written by Labor and Employment Shareholder Gary Klotz.

The Labor and Employment Group at Butzel Long will continue to monitor the changing political landscape and report on new legislation or other developments and how they may affect employers. If you have any questions regarding the information contained in this E-News Bulletin, please contact your Butzel Long attorney or the author as indicated below.

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